IN RE: PETITION FOR ZONING VARIANCE * S/S River Drive Road, 240 ft. SE of c/l Grace Road 7111 River Drive Road

ZONING COMMISSIONER * OF BALTIMORE COUNTY 15th Election District * Case No. 93 328-A 7th Councilmanic

Jorge C. Camacho, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property located at 7111 River Drive Road in the Lynch Point Subdivision of Baltimore County. The Petition is filed by Jorge C. Camacho and Margaret Camacho, his wife, property owners. Relief is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 3 ft. and a rear yard setback of 25 ft. (for an enclosed addition) in lieu of the minimum required 10 ft. and 30 ft., respectively. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

It should be noted that this matter was originally filed as an Administrative Variance which does not always require a public hearing. However, the matter was set in for public hearing in view of the interest in the Petition by Mary Tawney, a neighbor at 7207 River Drive Road. Further, the matter was set for public hearing in that the Petition was silent as to the reasons why the variance was requested, as well as potential environmental concerns.

Appearing at the public hearing was Jorge C. Camacho and his wife, | Margaret Camacho. Mrs. Tawney did not appear. Further, there were no for the interested persons or Protestants present, notwithstanding the advertising and posting of the public hearing for this Petition.

Testimony and evidence presented at the hearing was that Mr. and Mrs. Camacho own and occupy the property. Presently the site is improved with an existing dwelling, driveway and carport. Presently the carport extends towards the east of the property. A distance of 3 ft. is maintained from the edge of the carport toward the side property line and 25 ft. is maintained from the end of the carport to the rear of the property line. Mr. and Mrs. Camacho noted that their dwelling contains no basement and that the structure has little storage area. Due to increased storage needs, they propose to enclose the carport so as to convert same to a garage. The garage will then be used to store household and similar items. The Petitioners also noted that a three car garage exists on the neighboring property closest to the existing carport. The Petitioners further confirmed that, to their knowledge, none of their neighbors object to the

Based upon the uncontradicted testimony and evidence presented, I am persuaded that the Petitioners have satisfied their burden at law. Clearly, they have produced sufficient evidence to support a finding that they will suffer practical difficulty if the variance is denied. It has been established that special circumstances exist which are unique to this parcel and the structure thereon which justifies the variance. Further, no adverse effect will result upon the surrounding community if the variance is granted.

Notwithstanding the granting of this variance, it is to be noted that the property lies within the Chesapeake Bay Critical Area. By interoffice correspondence dated April 21, 1993, the Department of Environmental Protection and Resource Management (D.E.P.R.M.) has requested an extension to complete their evaluation of the critical area findings plan to be submitted by the Petitioner. Thus, the relief requested herein will be granted, subject to the Petitioners' compliance with D.E.P.R.M. findings, when

hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8 day of June, 1993 that a variance from Section 1B02.3.C.1 to allow a side yard setback of 3 ft., and a rear yard setback of 25 ft. (for an enclosed addition), in lieu of the minimum required 10 ft. and 30 ft., respectively, be and is hereby GRANTED, all subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

2. The granting of the variance is conditioned upon the Petitioners obtaining confirmation that Bay Critical Area regulations and obtains approval from the Department of Environmental

Pursuant to the advertisement, posting of the property, and public

condition.

the subject Petition complies with the Chesapeake Protection and Resource Management (D.E.P.R.M.).

TAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

(410) 887-4386

June 7, 1993

Mr. and Mrs. Jorge C. Camacho 7111 River Drive Road Edgemere, Maryland 21219

> RE: Case No. 93-328-A Petition for Variance 7111 River Drive Road

Dear Mr. and Mrs. Camacho:

Suite 113 Courthouse

400 Washington Avenue Towson, MD 21204

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, awrence E. Schmidt Zoning Commissioner

LES:mmn

cc: Mrs. Mary Tawney, 7207 River Drive Rd., Edgemere

CRITICAL

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 7/1/RiverDrive Rd Balt. Md. 2/2/9
which is presently segod 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attach hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 To allow a side yard setback of 3 ft. and a rear yard setback of 25 ft. (for an enclosed addition) in lieu of the minimum required 10 ft. and

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Enclosed CAR port and the Southwesterly WALL is 2Ft Away from the fence that divide the The property

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
contract Purchaser/Lessoe	Legal Owner(s):
Type or Print Name)	JORGE CELENO CAMACHO Type or Print Norme) Jorge Celenfarmacho
ignature	MARGAVET CAMACHO
ddress	The second secon
State Morney for Petitioner:	Zipcode Mangaul Camecho Significare 7/// River Drive Rd 410-477-248/ Address Phone No.
Type or Print Name)	ELGEMERE MARYLAND 21219
Signature	City State Zipcode Name, Address and phone number of representative to be contacted.
Address Phone No.	Name

30 ft. respectively.

ITEM #: 346

Affidavit in support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Bultimore County, as follows

That the information herein given is within the personal knowledge of the Afflant(s) and that Afflant(s) in/ore competent to tentify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Afficiation does to presently reside at 7/1/River Diver BALTIMORE MARYLAND

I Enclose my carport AND the Southwesterly well is 2th may from the sence that separated the true property's

service, marrocasily known or estimatescriby identified to one as such Afficati(s), and made onth in due form of law that the motters and facts hereinabove set forth are true and correct to the best of bin/her/their knowledge and belief.

AS WITHERS my head and Notarial Seel. 3/22/93

ZONING DESCRIPTION FOR 7/1/ FIVER PRIVE RO BALT. mp 2/2/9
Election District 15th (address)
Councilmenic District 7th wide at a distance of 240 ft South cast of the (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street <u>Grace Rd</u>.

(name of street) (number of feet of right-of-way width) wide. *Being Lots 6, 7 _____ in the subdivision of as recorded in Baltimore County Plat 15,000 sq.ft. (square feet and acres)

CERTIFICATE OF POSTING INS DEPARTMENT OF BALTIMORE COLUMN

· · · · · · · · · · · · · · · · · · ·	Date of Posting 3/17/93
Posted for: Variances	
relitioner: Jorge + Morgant C	a-m ac 40
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ocation of Signer / Scing You & Way a	of thepoly to be zone
/	

Jorge Cedeno + Margaret Camaoho
1 property: \$15 (7111) Riberdairo Rd., 240' 17/61000 Rd

Location of Signer Ferity toadway 100 property of Pititionin

*If your property is not recorded by Plat Book and Folio Number,

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ______successes weeks, the first publication appearing on May 13, 1993

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Number Item # 346

(410) 887-3353

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Zoning Adminis
Development M
11: West Clessapeake
Towson, Maryland 21 Zoning Administration & Development Manage alent

111 West Chesapeake Avenue
Tov. son, Maryland 21204

MA+Mra. Jorge C. Camacho

7/11 RIVER Drive Rd. (21219)

Residential Variance filing fee \$50.

DEADSHOUS-OMICHRO ≯85.JU BA CO11 # 14AM04 - 01---=3
Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

May 28, 1993

Mr. and Mrs. Jorge Cedeno Camacho 7111 River Drive Road Edgemere, MD 21219

> RE: Case No. 93-328-A, Item No. 346 Petitioner: Jorge Cedeno Camacho, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Camacho:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 1, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

MAY 6, 1993

(410) 887-3353

Jorge and Margaret Camacho 7111 Riverdrive Road Edgemere, Maryland 21219

Dear Petitioners:

It has been determined by the Zoning Commissioner's Office that this matter should be set in for public hearing. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation.

Posting charges in the amount of \$ 35 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

Baltimore County Government

Office of Zoning Administration

and Development Management

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Boom 106 of the County Office Building, 111 W. Champenhe Avenue in Townon, Maryland 21204

Room 118, Old Courthouse, 400 Weshington Evenne, Touson, Haryland 21204 as follows:

7111 Riverdrive Road S/S Riverdrive Road, 240' SE of c/l Grace Road 15th Election District - 7th Councilmenic Petitioner(s): Jorge Cedeno Camacho and Marcaret Camacho HEARING: PRIDAY, JUNE 4, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Variance to allow a side yard setback of 3 feet and a rear yard of 25 feet (for an enclosed addition) in lieu of the minimum required 10 feet and 30 feet respectively.

CASE NUMBER: 93-328-A (Item 346)

NOTES: (1) ZONING SIGN & POST NOST BE RETURNED TO RM. 104, 111 W. CHESAPEARE AVERUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

TO: PUTULENT PUBLISHING COMPANY Please formerd billing to:

Jorge and Hargaret Camacho 7111 Riverdrive Road Edgemore, Maryland 21219 (410) 477-2481

NOTICE OF HEARING

The Zoning Commissioner of Beltimore County, by authority of the Zoning Act and Regulations of Beltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chemspeaks avenue in Townon, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Townon, Maryland 21204 as follows

CASE NUMBER: 93-328-A (Item 346) 7111 Riverdrive Road S/S Riverdrive Road, 240' SE of c/l Grace Road 15th Election District - 7th Councilmanic Petitioner(s): Jorge Cedeno Camacho and Margaret Camacho HEARING: FRIDAY, JUNE 4, 1993 at 9:00 a.m. in Rm. 106, County Office Building

Variance to allow a side yard setback of 3 feet and a rear yard of 25 feet (for an enclosed addition) in lieu of the minimum required 10 feet and 30 feet respectively.

LAMRENCE E. SCHMIDT ZONTING COMMISSIONER FOR BALTIMORE COUNTY

Maryland Description State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

4-8-93

HELENE KEHRING Zoning Administration and Development Management

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

KEHRING!

Dear Ms. Winiarskis

County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: April 14, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 320, 340, 341, 346, 349, and 350.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:1w

320.2AC/ZAC1

property of the second

3868-93

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 16. 1993

FROM: Jerry L. Pfeifer. Captain Fire Department

SUBJECT: Zoning Petitions

No comments No comments

#332 No comments No comments #341 No comments #342 No comments #343 No comments

#344 No comments #345 No comments No comments

No comments #348 No comments

#349 No comments #350

No comments The building shall be built in compliance with the applicable provisions of the Life Safety Code and the County Fire Code.

#352

JLP/dal cc: File

APR 20 1993 ZADM

Present on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

April 21, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #346 Camacho Property; 7111 River Drive Road

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Zoning Advisory Committee Meeting of April 12, 1993

1. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:jbm

CAMACHO/TXTRMP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold E. Jablon, Director Office of Zoning Administration and Development Management

J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 346 Camacho Property Chesapeake Bay Critical Area Findings

43-328-AZAD1

DATE: June 30, 1993

6073-93

HIC

SITE LOCATION

• . • .

The subject property is located at 7111 River Drive Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Jorge Cedeno Camacho

APPLICANT PROPOSAL

The applicant has requested a variance from section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit "a side yard setback of 3 ft. and a rear yard setback of 25 ft. (for an enclosed addition) in lieu of the minimum required 10 ft. and 30 ft. respectively."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards Zoning Coordinator April 1, 1993

FROM: James H. Thompson -LJW Zoning Enforcement Coordinator

RE: Item No. 346 Petitioner: Mr.& Mrs Camacho

VIOLATION CASE # C-93-1038

LOCATION OF VIOLATION 7111 RIVER DRIVE ROAD

DEFENDANT SAME AS ABOVE

ADDRESS SAME AS ABOVE

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

MARY TAWNEY 7207 RIVER DRIVE ROAD BALTIMORE, MD. 21219

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.



111 West Chesapeake Avenue Towson, MD 21204



(410) 887-3353

Jorge and Hargaret Camacho 7111 Riverdrive Road Edgemere, Maryland 21219

Re: CASE NUMBER: 93-328-1 (Item 346) 7111 Riverdrive Road S/S Riverdale Boad, 240' SE of c/l Grace Road 15th Election District - 7th Councilmenic Patitioner(s): Jorge Cedeno Camacho and Hargaret Camach

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Many contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 18, 1993. The closing date (Hay 3, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) great the requested relief, (b) demy the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the patitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORMARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.





Mr. Arnold E. Jablon June 30, 1993 Page 2

• . •

REGULATIONS AND FINDINGS

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment* <Baltimore County Code Section 26-452(a)>.

<u>Finding:</u> This project does not propose any additional impervious surfaces. Therefore, in order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into drywells or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

Applicants are also encouraged to plant additional native plants. The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation.

Shrub and small tree list: 2 items - ball and burlap or 2 gallon container size

Tree list:

1 items - ball and burlap 1 - 1.5 inch caliper

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Mr. Arnold E. Jablon June 30, 1993

CONCLUSION

• . •

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

> Department of Environmental Protection and Resource Management

JJD: NSP: tmm

cc: Mr. and Mrs. Camacho

CAMACHO/WOCBCA



